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v. *Athens Savings Bank*, 107 Ga. 246; *Oswald v. Wolf*, 129 Ill. 200; *Smith v. Newman*, 62 Kan. 318; *Blackwood v. Van Vleit*, 30 Mich. 118; *Powell v. Lantzy*, 173 Pa. St. 543; *Miller v. Donahue*, 96 Wis. 498. Applying these general doctrines to the Kansas case, it seems that the court has placed the proper interpretation on the statute, although Mr. JUSTICE GREENE filed a strong dissenting opinion, concurred in by Mr. CHIEF JUSTICE JOHNSTON. The decision shows the modern tendency of courts to draw away from the single unity theory of husband and wife and to give the fullest effect to statutes which have for their purpose the enlargement of the wife's common law rights.

JUDGMENT—AMENDMENT—JURISDICTION.—The plaintiff brought suit upon a promissory note, service of summons was regularly made upon the defendant, who did not appear and his default was entered. After the default was entered and before judgment the plaintiff was allowed by the court to amend its complaint by the insertion of an allegation of waiver of exemption. After the close of the term in which the judgment was rendered, the defendant made a motion to amend the judgment by striking out the waiver of exemption. On appeal from an order granting this motion, *Held*, that the court had no jurisdiction over the record after the close of the term except as to formal defects and judgments void on their face. It was further held that an amendment of the original complaint made without notice to the defaulting defendant was not such a substitution of a new cause of action as to take away jurisdiction on the ground of not giving the defendant a day in court. *A. G. Story Mercantile Co. v. McClellan* (1906), — Ala. —, 40 So. Rep. 123.

Upon this latter holding the authorities are not uniform. There is a line of cases which seem to hold a view contrary to this case. The ground upon which these decisions are based is that a material amendment constitutes a substitution of a new cause of action. See, *Watson v. Miller*, 69 Tex. 175; *Franklin v. Houston*, 22 Tex. Civ. App. 459; *Wortham v. Boyd*, 66 Tex. 401, 1 S. W. 109. Such a substitution after default entered opens the default. *Thompson v. Johnson*, 60 Calif. 292; *Thomas v. McGuinness*, 94 Ill. App. 248. After the default is opened, it is necessary that service of the amended complaint be made upon the defendant and an opportunity given to plead in order that the court may enter judgment by default. *Brown v. Tuttle*, 27 Ill. App. 389; *People v. Woods*, 4 N. Y. Sup. Ct. (2 Sandf.) 652; *Littlefield v. Schmoldt*, 24 Ill. App. 624; *Perryman v. Smith* (Tex.), 32 S. W. 349; *Morrison v. Walker*, 22 Tex. 18. Some other cases seem to hold that so much of the judgment as was based upon the original complaint is valid, and that only so much is void as results from the amendment. *Lee v. Hamilton*, 12 Tex. 413; *Weatherford v. Van Alstyne*, 22 Tex. 22; *Bennett v. Cary*, 72 Iowa 476. A comparatively recent case in New York would seem to accord with the doctrine of the Alabama court. *Car & Hobson v. Sterling*, 114 N. Y. 558. In this case it was held that an amendment to a petition increasing the money demand and made without notice to the defendant did not invalidate a judgment. Jurisdiction having been acquired by service under the original complaint, the court had the right to amend the bill and the defendant had no right to notice in such a sense that the judgment would be void. The judgment would at most be erroneous and subject to revision on appeal.